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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,393	07/26/2001	Hideaki Tanaka	16869P-026800US	7773
20350	7590	10/31/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			CHEVALIER, ROBERT	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,393

Applicant(s)

TANAKA, HIDEAKI

Examiner

Bob Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,14-24,26-33,35-39 and 43 is/are rejected.
- 7) ☒ Claim(s) 2,13,25,34 and 40-42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Objections

1. Claim 37 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

It is to be noted that claim 37, is the exact duplication of claim 36. Therefore correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-12, 14, 16, 18-24, 26, 28-33, 35, 39, 43, are rejected under 35 U.S.C. 102(b) as being anticipated by Sata et al.

Sata et al discloses a video recording/reproducing apparatus that shows the same limitations recited in claims 1, 12, 23, including the feature of writing received information to a first storage device in a plurality of storage devices (See the capability of writing received video data in the first recording medium as shown in Sata et al's Figure 1, component 4), the feature of placing a second storage device in the plurality of storage devices in a state where it is ready to record the information and writing the information to the second storage device including ceasing writing of the information to the first storage device (See the capability of writing the received video information in

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the second storage means at the time when writing operation in the first storage is stopped as shown in Sata et al's Figure 1, component 31, and column 6, lines 57-60), and the feature of placing the first storage device in the stopped state during writing of the information to the second storage device as specified in the present claims 1, 12, 23. (See Sata et al's column 6, lines 57-60).

With regard to claims 3, 14, 26, 35, the feature of the read write head being in an unloaded position as specified thereof would be present in the cited reference of Sata et al. Because, during writing of information in the storage means 31 of Sata et al, reading or writing of information in the storage means 4 may be in a stopped state. (See Sata et al's Figure 1, components 4, and 31).

With regard to claims 4, the feature of the stopped state being a state in which a rotating member of the first storage device is not rotating as specified thereof would be inherently present in the cited reference of Sata et al. Because, as disclosed in Sata et al's video recording/reproducing apparatus the writing and the reading heads are independently controlled, therefore, the user can decide to stop the writing and the reading operation of the first recording/reproducing means (See Sata et al's Figure 1, components 3-5) at any desired time, thereby, stop the rotating member of the storage device as claimed.

With regard to claims 5, 16, the feature of placing the second storage device in the state where it is ready to record is initiated after writing a first amount of information to the first storage device as specified thereof would be present in the cited reference of Sata et al. Because as disclosed in Sata et al, the writing of information in the second

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storage (See Sata et al's Figure 1, component 31) is performed after the writing of information in the first storage device (See Sata et al's Figure 1, component 4) has began.

With regard to claims 6, the feature of the storage devices including magnetic disk devices or optical disk devices as specified thereof is present in Sata et al. (See Sata et al's Figure 1, component 4).

With regard to claims 7, 18, 28, 39, the feature of after writing to a last one of the storage devices, returning to the first storage device and overwriting information previously written thereto as specified thereof would be present in the cited reference of Sata et al. (See Sata et al's column 6, lines 20-60).

With regard to claims 8-11, 19-22, 29-32, 43, the feature of writing to a third storage device the receiving information or copying information stored in the first or second storage devices to the third storage device and wherein the storage device is a removable medium of the type of magnetic disk, an optical disk, a magneto-optical disk, or a magnetic tape drive as specified thereof is present in Sata et al. (See Sata et al's figure 1, component 8).

With regard to claim 24, the feature of the information being audio-visual information as specified thereof is present in Sata et al. (See Sata et al's Figure 1, component 1).

With regard to claim 33, the feature of reading audio-visual information containing in one of the storage devices during said first or second writing operations, including placing said one of the storage devices in a state so that the audio-visual

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information can be read therefrom as specified thereof is present in Sata et al. (See Sata et al's column 6, line 61, to column 7, line 8).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15, 17, 27, 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sata et al in view of Official Notice.

Sata et al discloses a video/audio recording/reproducing apparatus that shows substantially the same limitations recited in claims 36-38, including the feature of writing video/audio information in a plurality of recording medium and the capability of not rotating the rotating member in a stopped state. Because, as disclosed in Sata et al's video recording/reproducing apparatus the writing and the reading heads are independently controlled, therefore, the user can decide to stop the writing and the reading operation of the first recording/reproducing means (See Sata et al's Figure 1, components 3-5) at any desired time, thereby, stop the rotating member of the storage device as claimed.

Sata et al fails to specifically disclose the feature of the second storage device having a rotating member and wherein the storage device being a magnetic disk or an optical disk as specified in the present claims 36-38.

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Examiner takes Official Notice in that it is notoriously well known in the video/audio recording/reproducing apparatus to have a recording medium as being a rotating member of a magnetic disk or optical disk as specified in the present claims 36-38.

It would have been obvious to one skilled in the art to modify the Sata et al's recording/reproducing apparatus wherein the recording/reproducing means provided thereof (See Sata et al's Figure 1, component 31) would be replaced by a recording medium of a magnetic disk or optical disk in the same conventional manner as is well known in the prior art. Examiner has taken Official Notice. The motivation is to increase the recording density of the recording medium as suggested in the prior art.

5. Claims 2, 13, 25, 34, 40-42, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Taketa et al discloses a disk array device.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
October 26, 2005.


ROBERT CHEVALIER
PRIMARY EXAMINER